

REMARKS

Applicant has carefully reviewed the Final Office Action mailed August 26, 2009 (hereinafter “Final Office Action”) and offers the following remarks to accompany the above amendments. Applicant concurrently files a Request for Continued Examination.

Status of the Claims

Claims 11-18, 31, 32, 34-44, and 50-55 were previously pending. Claims 1-10 and 33 were previously cancelled, and claims 19-30 and 45-49 were previously withdrawn. Claims 11, 31, 41, and 50 have been amended to recite that the location identifier identifies a realm of which the sender of the location identifier is a member. This amendment is fully supported by at least paragraphs 00120-00124 and Figure 5 of the Specification, for example. Claim 12 has been amended to recite a feature wherein a plurality of device identifiers associated with the realm may be provided to the first device. This amendment is supported by the same portions of the Specification. Claim 36 has been cancelled. Accordingly, claims 11-18, 31, 32, 34, 35, 37-44, and 50-55 remain pending.

Rejection Under 35 U.S.C. § 102(e) – Johnson

Claims 11-18, 31, 32, 34-44, and 50-55 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,456,234 B1 to Johnson (hereinafter “Johnson”). Applicant respectfully traverses. As discussed in M.P.E.P. § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements “arranged as in the claim.” *Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008) citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983).

Applicant’s claimed invention, as amended and as recited in claim 11, relates to broadcasting a signal that includes a request for a location identifier identifying a realm of which

the recipient is a member. A location identifier is received, and a password associated with the location identifier is provided. In response to the password, a device associated with the realm is identified. Thus, Applicant's claimed invention, as recited in claim 11, relates to a process for device discovery.

Johnson discloses a proactive content delivery system. In this system, a delivery content database associated with a server stores a number of content records, such as the record illustrated in Figure 7A. Among other things, each content record includes a location field 704 and a content field 712. The location field 704 includes information defining a location to which the content stored or referenced in the content field 712 will be proactively delivered. The server delivers the content stored or referenced in the content field 712 to devices located at the location defined by the location field 704.

Johnson fails to teach or suggest many of the features recited in Applicant's claims. For example, Johnson fails to teach or suggest the requirement of broadcasting a request for a location identifier that identifies a realm of which a device is a member, as recited in claim 11.

In the Final Office Action, the Patent Office asserts that Johnson discloses broadcasting a request for a location identifier. Applicant respectfully disagrees. The cited portion of Johnson, in particular column 12, lines 12-41, discloses that device locations may be determined via triangulation techniques. Nowhere does the cited portion teach or suggest that the broadcast signal requested a location identifier, let alone a location identifier that identifies a realm of which a device is a member.

Johnson similarly fails to teach or suggest receiving a location ID identifying a realm of which the device sending the location ID is a member, as required in each of claims 11, 31, 41, and 50. Again, the cited portions of Johnson merely disclose that a device may broadcast a device identifier. Nowhere does Johnson teach or suggest broadcasting a location ID that identifies a realm of which a respective device is a member.

Johnson fails to teach or suggest the entry of a password (or authentication information) associated with the location ID, as required in Applicant's claims 11, 31, 41, and 50. The Patent Office refers to column 14, lines 18-32 to support its assertion that such a feature is disclosed by Johnson. The referenced portion of Johnson is reproduced below:

Authorization id field 720 contains a handle to the user who configured the database record 700, for example, a password, user identifier, or the like (may be encrypted). Content links field 722 contains a YES/NO flag for whether there

are multiple content fields associated with the database record 700. A separate database entity (not shown), for example a database table, can be maintained with 3 fields: one containing a matching rec id field 702 to associate the content to the deliverable content database record 700, one for the content type (like content type field 710), and one for the content (like content field 712). There may be a plurality of database records in the separate database entity that are associated with the deliverable content database record 700. The value in the rec id field 702 will be used to join all content items. (column 14, lines 18-32)

The referenced portion of Johnson appears to disclose that an individual who configured a database record may require a password to do so. Applicant submits that an administrator's use of a password to update a database record fails to anticipate, or render obvious, entry of a password associated with a location ID that identifies a realm.

For at least the foregoing reasons, Applicant submits that Johnson fails to anticipate, or render obvious, Applicant's claims 11, 31, 41, and 50. Claims 12-18, 32, 34, 35, 37-40, 42-44, and 51-55, as dependent claims which variously depend from claims 11, 31, 41, and 50, are likewise allowable for at least the reason that such claims depend from allowable independent claims.

Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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